

Western Australia

## **Electoral Reform (Electoral Funding) Act 2006**

---

As at 26 Oct 2006

No. 55 of 2006

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



## Electoral Reform (Electoral Funding) Act 2006

---

### CONTENTS

---

1.	Short title	1
2.	Commencement	1
3.	The Act amended	2
4.	Section 84 amended	2
5.	Heading to Part VI amended	2
6.	Part VI Division 2A inserted	2
	<b>Division 2A — Electoral funding</b>	
	175LA. Terms used in this Division	2
	175LB. General entitlement to funds	3
	175LC. Election funding reimbursement amount	3
	175LD. Claims for payment	5
	175LE. Electoral Commissioner to determine claims	7
	175LF. Circumstances in which payment to be made	7
	175LG. Amount of payment not to exceed electoral expenditure	8
	175LH. Making of payments	9
	175LI. Revocation of decision regarding payment	10
	175LJ. Death of candidate	10
	175LK. Appropriation of moneys	11
7.	Section 175N amended	11
8.	Section 175U amended	11
9.	Section 175V amended	12
10.	Section 175W amended	12
11.	Section 175ZB amended	12
12.	Section 175ZC amended	12
13.	Section 175ZD amended	13



Western Australia

## **Electoral Reform (Electoral Funding) Act 2006**

---

**No. 55 of 2006**

---

**An Act to amend the *Electoral Act 1907*.**

[Assented to 26 October 2006]

The Parliament of Western Australia enacts as follows:

**1. Short title**

This is the *Electoral Reform (Electoral Funding) Act 2006*.

**2. Commencement**

This Act comes into operation on the day after the day on which this Act receives the Royal Assent.

**3. The Act amended**

The amendments in this Act are to the *Electoral Act 1907*\*.

[\* *Reprint 13 as at 9 September 2005.*

*For subsequent amendments see Act No. 34 of 2004.]*

**4. Section 84 amended**

- (1) Section 84(1)(a) is amended by deleting “one-twentieth” and inserting instead —

“ 4% ”.

- (2) Section 84(1)(b) and (c) are amended by deleting “one-tenth” and inserting instead —

“ 4% ”.

**5. Heading to Part VI amended**

The heading to Part VI is amended by deleting “Disclosure” and inserting instead —

“ **Electoral funding and disclosure** ”.

**6. Part VI Division 2A inserted**

After Part VI Division 2 the following Division is inserted —

“

**Division 2A — Electoral funding**

**175LA. Terms used in this Division**

- (1) In this Division —

“**election**” does not include an election held before the coming into operation of the *Electoral Reform (Electoral Funding) Act 2006* section 6;

“**eligible vote**” means —

- (a) a vote given at an election in which there are only 2 candidates; or
- (b) a first preference vote given at an election in which there are more than 2 candidates,  
but does not include any vote on a ballot paper that has been rejected;

“**party group**” means a group all the persons included in which have been endorsed by the same registered political party.

- (2) For the purposes of this Division, a reference to a vote given includes a reference to a vote deemed under section 146F to have been given.
- (3) For the purposes of this Division, electoral expenditure incurred in relation to an election by or with the authority of —
  - (a) a candidate endorsed by a registered political party who is not included in a group; or
  - (b) persons included in a party group,

is taken to have been incurred by or with the authority of the party.

**175LB. General entitlement to funds**

Subject to this Division, after an election the election funding reimbursement amount under section 175LC is payable for each eligible vote given for a candidate.

**175LC. Election funding reimbursement amount**

- (1) The election funding reimbursement amount —
  - (a) is taken, as at 30 June 2006, to have been \$1.39413; and

(b) thereafter is the amount worked out, to 5 decimal places, under subsection (2).

- (2) The election funding reimbursement amount is taken to have been adjusted on 1 July 2006 and is to be adjusted for each subsequent financial year on 1 July of that financial year using the formula —

$$\frac{A \times B}{C}$$

where —

“**A**” is the election funding reimbursement amount immediately before 1 July in a year; and

“**B**” is the CPI number published for the March quarter in the year; and

“**C**” is the CPI number published for the March quarter in the previous year.

- (3) In subsection (2) —

“**CPI**” means the all groups consumer price index for Perth published by the Australian Statistician referred to in section 5 of the *Australian Bureau of Statistics Act 1975* of the Commonwealth.

- (4) If, for a particular financial year, adjustment of the election funding reimbursement amount would reduce the amount, the amount is not to be adjusted for the year.

- (5) If an amount would, if calculated to 6 decimal places, end with a number more than 4, the amount is taken to be the amount calculated to 5 decimal places and increased by 0.00001.



**175LD. Claims for payment**

- (1) A payment under this Division cannot be made unless a claim for the payment has been lodged with the Electoral Commissioner in an approved form before the expiration of the claims period referred to in subsection (6).
- (2) A claim for payment under this Division for the eligible votes given for a candidate endorsed by a registered political party may be lodged by, and only by —
  - (a) in the case of a candidate not included in a group, the agent of the registered political party; or
  - (b) in the case of a candidate included in a party group, the agent of the registered political party; or
  - (c) in the case of a candidate included in a group, other than a party group, the agent of the group.
- (3) If a registered political party endorsed candidates in 2 or more elections held on the same day, all claims for payment under this Division lodged by the agent of the party under subsection (2)(a) or (b) in relation to those elections must be lodged as one claim.
- (4) A claim for payment under this Division for the eligible votes given for a candidate not endorsed by a registered political party may be lodged by, and only by —
  - (a) in the case of a candidate not included in a group, the agent of the candidate; or
  - (b) in the case of a candidate included in a group, the agent of the group.
- (5) A claim for a payment under this Division is to be accompanied by any information required by the Electoral Commissioner regarding —

- (a) in the case of a claim lodged by the agent of a registered political party under subsection (2)(a) or (b), the electoral expenditure incurred by or with the authority of the party in relation to —
    - (i) the election to which the claim relates;  
or
    - (ii) in the case of a claim lodged in accordance with subsection (3), the elections to which the claim relates;or
  - (b) in the case of a claim lodged by the agent of a candidate under subsection (4)(a), the electoral expenditure incurred by or with the authority of the candidate in relation to the election to which the claim relates; or
  - (c) in the case of a claim lodged by the agent of a group under subsection (2)(c) or (4)(b), the electoral expenditure incurred by or with the authority of persons included in the group in relation to the election to which the claim relates.
- (6) For the purposes of subsection (1) the claims period is —
- (a) the period of 20 weeks after polling day in the election or elections to which the claim relates;  
or
  - (b) such longer period as the Electoral Commissioner fixes before the end of the period specified in paragraph (a).
- (7) The Electoral Commissioner cannot fix a longer period for the purpose of subsection (6)(b) unless satisfied that

the circumstances of the case justify the fixing of a longer period.

**175LE. Electoral Commissioner to determine claims**

A claim for payment under this Division is to be decided by the Electoral Commissioner in accordance with this Division.

**175LF. Circumstances in which payment to be made**

- (1) Subject to subsections (2) and (3), a payment can be made under this Division in respect of eligible votes given for a candidate in an election if, and only if, the number of those eligible votes is more than 4% of the total number of eligible votes given at the election.
- (2) If a candidate in an election in a region is included in a group, a payment can be made under this Division in respect of eligible votes given for the candidate as long as the total number of eligible votes given for candidates in the election included in the group is more than 4% of the total number of eligible votes given at the election.
- (3) In the case of a claim lodged by the agent of the registered political party in accordance with section 175LD(3), a payment can be made under this Division in respect of eligible votes given for a candidate endorsed by the party as long as the total number of eligible votes given, at the elections to which the claim relates, for candidates endorsed by the party is more than 4% of the total number of eligible votes given at those elections.
- (4) Subsections (2) and (3) do not limit each other's operation.

**175LG. Amount of payment not to exceed electoral expenditure**

- (1) The amount of a payment under this Division made in respect of a claim under section 175LD is not to exceed —
  - (a) if the claim is lodged by the agent of a registered political party under section 175LD(2)(a) or (b), the electoral expenditure incurred by or with the authority of the party in relation to —
    - (i) the election to which the claim relates; or
    - (ii) in the case of a claim lodged in accordance with section 175LD(3), the elections to which the claim relates, less any input tax credit in respect of that expenditure; or
  - (b) if the claim is lodged by the agent of a candidate under section 175LD(4)(a), the electoral expenditure incurred by or with the authority of the candidate in relation to the election to which the claim relates, less any input tax credit in respect of that expenditure; or
  - (c) if the claim is lodged by the agent of a group under section 175LD(2)(c) or (4)(b), the electoral expenditure incurred by or with the authority of persons included in the group in relation to the election to which the claim relates, less any input tax credit in respect of that expenditure.
- (2) In subsection (1) —

**“input tax credit”** means an entitlement arising under section 11-20 or 15-15 of the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

**175LH. Making of payments**

- (1) If the Electoral Commissioner is satisfied, in respect of a claim under section 175LD(2)(a) or (b), that an amount is payable under this Division for eligible votes given at an election or elections for a candidate or candidates endorsed by a registered political party, the Electoral Commissioner shall make the payment to the agent of the party.
- (2) If the Electoral Commissioner is satisfied, in respect of a claim under section 175LD(4)(a), that an amount is payable under this Division for eligible votes given at an election for a candidate, the Electoral Commissioner shall make the payment to the agent of the candidate.
- (3) If the Electoral Commissioner is satisfied, in respect of a claim under section 175LD(2)(c) or (4)(b), that an amount is payable under this Division for eligible votes given at an election for persons included in a group, the Electoral Commissioner shall make the payment to the agent of the group.
- (4) If a payment is made under this Division and the recipient is not entitled to receive the whole or a part of the amount paid, whether because of a false statement in a claim or otherwise, the amount or the part of the amount may be recovered by the State as a debt due to the State by action, in a court of competent jurisdiction, against the person.

**175LI. Revocation of decision regarding payment**

- (1) If the Electoral Commissioner is satisfied that the amount of a payment decided under section 175LE exceeds, or is less than, the amount payable to the claimant, the Commissioner may revoke the decision and make a fresh decision.
- (2) If the amount payable under the fresh decision is less than the amount paid to a person under the revoked decision, the difference between the amounts fixed by the decisions may be recovered by the State as a debt due to the State by action, in a court of competent jurisdiction, against the person.

**175LJ. Death of candidate**

- (1) If a candidate for whom eligible votes were given at an election dies, a payment under this Division for the eligible votes given for the candidate may be made despite the candidate's death.
- (2) If the candidate —
  - (a) was not endorsed in the election by a registered political party; and
  - (b) was not included in a group; and
  - (c) had not appointed an agent,a claim for the payment may be lodged by, and the payment may be made to, the legal personal representative of the candidate.
- (3) If the candidate —
  - (a) was included in a group other than a party group; and
  - (b) was the agent of the group,another person included in the group may lodge a claim for a payment under this Division for the eligible votes

given for persons included in the group, and the payment may be made to that other person.

- (4) This section has effect despite sections 175LD and 175LH.

**175LK. Appropriation of moneys**

Any payment made under this Division shall be charged to the Consolidated Fund which is to the extent necessary appropriated accordingly.

”

**7. Section 175N amended**

Section 175N(2) is amended after paragraph (b) by deleting the full stop and inserting —

“

;

- (c) any income that consists of a payment received under Division 2A.

”

**8. Section 175U amended**

- (1) Section 175U(3) is amended by deleting “and that return” and inserting instead —

“

or a claim that the agent may lodge under Division 2A and that return or claim

”

- (2) Section 175U(4) is amended by deleting “and that return” and inserting instead —

“

or a claim that the person may lodge under Division 2A and that return or claim

”

- (3) Section 175U(5) is amended by deleting “information that relates to the return” and inserting instead —
- “
- , or may lodge a claim under Division 2A, information that relates to the return or claim
- ”.

**9. Section 175V amended**

Section 175V(1) is amended by inserting after “section” —

“ 175LH(4), 175LI(2) or ”.

**10. Section 175W amended**

Section 175W(4) is amended by inserting after “return” —

“ or claim ”.

**11. Section 175ZB amended**

Section 175ZB(1), (2), (2a), (4) and (9) are amended by inserting after “return” in each place where it occurs —

“ or claim ”.

**12. Section 175ZC amended**

- (1) Section 175ZC(1) is amended by inserting after “each” —
- “ claim under Division 2A and each ”.
- (2) Section 175ZC(2) is amended as follows:
- (a) by inserting after “copy of a” in both places where it occurs —
- “ claim or a ”;
- (b) by inserting after “which the” —
- “ claim or ”.



**13. Section 175ZD amended**

Section 175ZD(1) is amended by inserting after “section” —  
“ 175LH(4), 175LI(2) or ”.

=====